

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	4 October 2022
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative)

Transaction of business outside of meetings pursuant to Clause 26 of Schedule 2 of the *Environmental Planning and Assessment Act, 1979*.

MATTER DETERMINED

DA-2021/136, Lot 1 DP617042, 1A Norman Street, Mangerton (as described in detail in schedule 1).

On 7 June 2022 the Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. This matter is re-submitted for electronic determination as per previous Panel recommendations.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The matters requested in the prior deferral have been addressed to the satisfaction of the Panel with the exclusion of the treatment of the balustrades and the elevated courtyard
- The Panel considers the use of glazed fenestration as well as the balustrades is undesirable and, via a condition of this consent requires the treatment of said balustrades to be amended to incorporate sandstone elements.
- Likewise, the elevated courtyard fails to have regard to the natural topography of the site and introduces an incongruous element into the streetscape. Accordingly, by condition attached to this consent, the courtyard structure is to be removed/modified to relate to the natural topography. Retaining walls are to be minimised and the levels landscaped to the street. Any retaining walls should be finished in sandstone to allow the hard elements to relate to the landscaped elements.

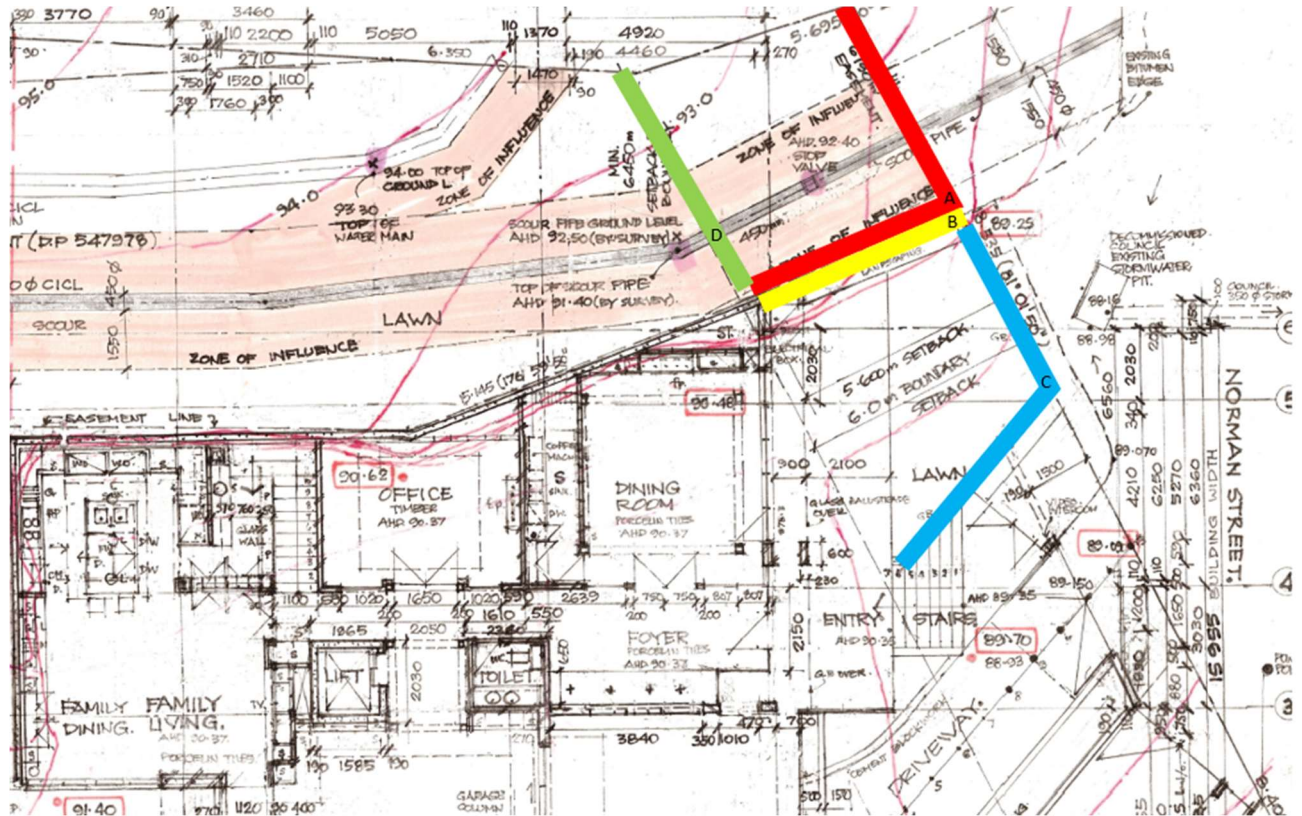
CONDITIONS





The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

A new condition to read -

1. The retaining wall and glass balustrade to the courtyard area in the front setback at the level of the first floor (identified as A in red on the image below) are to be removed.
2. A retaining wall running from the western corner of the ground floor dining room extending to the front property boundary (identified as B in yellow in the image below) may be retained in order to address the level change.
3. The area between that wall and a line running parallel to the front property boundary (identified as D in green in the image below) is to be terraced and or landscaped such that a balustrade is not required to meet BCA requirements.

4. The retaining wall and glass balustrade at the ground floor level in the front setback (identified as C in blue in the image below) is to be replaced with a lower height retaining wall that does not require a balustrade with the area between this and the building line being landscaped or turfed.
 5. All retaining walls described above are to be identical to that of the retaining wall adjacent to the road and be of sandstone block construction.
- The above requirements are to be shown on the Construction Certificate."



PANEL MEMBERS	
 Sue Francis (Chair)	 Steven Layman
 Brendan Randles	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/136
2	PROPOSED DEVELOPMENT	Residential - Torrens title subdivision and construction of a dwelling house and pools
3	STREET ADDRESS	1A Norman Street, Mangerton
4	APPLICANT	Ted Switaj
5	REASON FOR REFERRAL	Clause 2.19(a) of the Environmental Planning and Assessment Act 1979. Under clause 2(b) of Schedule 2 of the Local Planning Panels Direction, the proposal received over 10 unique objections.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Resilience and Hazards) 2021 SEPP (Building Sustainability Index: BASIX) 2004 Wollongong Local Environmental Plan (WLEP) 2009 Wollongong Development Contributions Plan 2009 Draft environmental planning instruments: N/A Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: N/A Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: N/A Coastal zone management plan: N/A The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council addendum report dated 4 October 2022
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 7 June 2022 Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative) <u>Council assessment staff</u>: Nigel Lamb
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council addendum report